

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SECRETARY OF LABOR ELAINE L.
CHAO,

Plaintiff

v.

SOS SECURITY SERVICES, INC., et
al.,

Defendant(s)

CIVIL NO. 06-1316 (JAG)

ORDER

Plaintiff Elaine L. Chao ("Plaintiff"), the Secretary of the United States Department of Labor ("DOL"), filed a Supplemental Petition for Adjudication of Civil Contempt, (Docket No. 50), against defendants SOS Security Services, Inc. ("SOS") and SOS's president, Edgardo Batiz Ramia (collectively "Defendants"), alleging that Defendants should be held in contempt for failing to comply with the terms of the Consent Judgment issued against them. (Docket No. 39, 42). This matter was referred to a Magistrate Judge for a hearing and a Report and Recommendation. (Docket No. 58). The Magistrate judge issued several recommendation which were not objected to by any of the parties. (Docket No. 65). Accordingly, upon de novo review, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation and orders the following:

1. That by not later than **January 23, 2009**, Defendants shall produce to the Caribbean District Office of the DOL's Wage and

Civil No. 06-1316

2

Hour Division an electronic back-up (on compact disk in Excel format) of pay stubs maintained in Defendants' Peachtree Payroll System for the period of February 10, 2004 through the present;

2. That Defendants shall produce to the Caribbean District Office of DOL's Wage and Hour Division copies of time and attendance sheets filled by employees by not later than **January 30, 2009** for the period of August 2007 to the present, and by not later than **February 27, 2009** for the period of February 10, 2004 through August 2007;
3. That Defendants shall pay a stipulated penalty of \$50.00 per day, per violation, for any failure to timely produce the information requested above; and
4. The foregoing stipulations are without prejudice to the Secretary's right to assess fines, penalties, or other liabilities against defendants arising from the violations of the Fair Labor Standards Act of 1938 ("FLSA"), as amended, 29 U.S.C. §§201, et seq., or other law that may be adduced upon review of the documents and other information required to be produced by the defendants.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 6th day of February, 2009.

Civil No. 06-1316

3

s/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge